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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,727

06/27/2003

Timothy E. Kasen

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3401

20915

7590

01/11/2005

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EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/607,727

Applicant(s)

KASEN ET AL.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/29/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. This application is in condition for allowance except for the following formal matters:

#### ***Reissue Applications***

2. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: On column 7, line 67 (last line) and column 8, line 3, "reeved" should be --received--.
6. Please note that the amendment to the specification should be bracketed when deleted and underlined when added as it is a change relative to the patent.

Appropriate correction is required.

#### ***Allowable Subject Matter***

7. Claims 1-15 remain allowed.
8. Claims 16-30 are allowed.

Art Unit: 1744

9. The following is an examiner's statement of reasons for allowance: With respect to claim 1, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an elevator assembly including an elevator arm reciprocally mounted to the base module and movable between rear and forward positions in response to movement of the upright handle from the inclined position to the upright position; a first end of the elevator arm is disposed adjacent the pivot arm and is adapted to lift the pivot arm from the surface as the elevator assembly moves between the rear and forward positions and a second end of the arm is engagable with the handle for moving the elevator assembly between the rear and forward positions as the handle moves between the inclined and upright positions; whereby pivoting the upright handle from the inclined position to the upright position is translated into movement of the agitation brush away from the surface to be cleaned. With respect to claim 6, the prior art does not disclose nor render obvious the claimed combination of subject matter particularly an elevator reciprocally mounted to the base module and movable between rear and forward positions in response to movement of the upright handle from the inclined position to the upright position; a first end of the elevator is disposed adjacent the support arm and is adapted to lift the support arm from the surface as the elevator moves between the rear and forward positions and a second end of the elevator is engagable with the handle for moving the elevator between the rear and forward positions as the handle moves between the inclined and upright positions; whereby pivoting the upright handle from the inclined position to the upright position is translated into movement of the agitation brush away from the surface to be cleaned. With respect to claim 16, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an elevator assembly including an elevator arm reciprocally mounted to the base

Art Unit: 1744

module and movable between free and lift positions in response to movement of the upright handle from the inclined position to the upright position; a first end of the elevator arm is disposed adjacent the brush assembly and is adapted to lift the brush assembly from the surface as the elevator assembly moves between the free and lift positions and a second end of the arm is engageable with the handle for moving the elevator assembly between the free and lift positions as the handle moves between the inclined and upright positions; whereby pivoting the upright handle from the inclined position to the upright position is translated into movement of the agitation brush away from the surface to be cleaned. With respect to claim 21, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an elevator reciprocally mounted to the base module and movable between free and lift positions in response to movement of the upright handle from the inclined position to the upright position; a first end of the elevator is disposed adjacent the support arm and is adapted to lift the support arm from the surface as the elevator moves between the rear and forward positions and a second end of the elevator is engageable with the handle for moving the elevator between the free and lift positions as the handle moves between the inclined and upright positions; whereby pivoting the upright handle from the inclined position to the upright position is translated into movement of the agitation brush away from the surface to be cleaned.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1744

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Crouser et al. and Freiheit disclose devices that allow the agitator to move relative to the body of the cleaner. The other patents listed in the PTO-892 were cited in the parent application.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Terrence R. Till

Application/Control Number: 10/607,727

Page 6

Art Unit: 1744

Primary Examiner

Art Unit 1744

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